

HUMAN RIGHTS WATCH

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Appendix I: Letter to Mr. Muhammad Tahir al-Mulhim from Human Rights Watch

April 18, 2019

Mr. Muhammad Tahir al-Mulhim
Prime Minister's Advisory Commission
Baghdad, Iraq

Re: Basra Water Crisis

Dear Mr. al-Mulhim,

Thank you for your and the Prime Minister's continued assistance and support to Human Rights Watch. We very much appreciate your team's willingness to maintain an open line of communication with Human Rights Watch to discuss human rights challenges in Iraq and recommendations for overcoming them as well as your willingness to engage with the findings of our human rights investigations and to provide your input and information.

We write to request information in connection with research that Human Rights Watch has carried out on Basra's decades-long water crisis and its impact on residents there, which we plan to publish in mid-2019. I am writing to seek your response to several questions, set out below. In the interests of thorough and objective reporting, we would appreciate it if you could provide us with a reply by May 16, 2019 so that we can reflect your views and comments in our forthcoming report.

Our research indicates that since Basra's first serious water crisis in 2009, the Iraqi government has embarked on initiatives to improve the governorate's water supply, but that these have been marred by mismanagement, lack of long-term budgeting, and corruption. At the same time, officials and local water and healthcare experts with whom we

spoke allege that the government has failed to adequately implement regulations concerning public water treatment, the private water sector including private plants and water trucking, sewage treatment, and the safe disposal of industrial and agricultural waste.

Numerous interviewees assert that local authorities have allowed individuals working in industry or agriculture to illegally tap into fresh water sources to syphon off water. They also allege that corrupt practices took place at some of Basra's water installations, including the Great Basra Water Project (also known as the Hartha or Japanese project). According to the many local officials, water and healthcare experts that we interviewed, both the quality and quantity of water in Basra has suffered.

The report will examine the impact of the lack of water of sufficient quality and quantity on crop production and use of arable land, access to schooling, and its triggering of displacement. The report will also examine the most acute impacts on the health of Basra residents in the summer of 2018.

Our research finds that authorities failed to adequately warn residents during the crisis of the effects of contaminated water, to stockpile sufficient medicine or otherwise address the massive need for medical care, or to properly investigate the root causes of incoming patients' symptoms to assess the possible causes of the illness.

As far as we have understood, the government was quick to investigate and rule out cholera as the root of illness, after testing stool samples from patients. However, three healthcare experts told us that Basra water sector authorities did not at any point conduct a mapping of the illness hotspots and then subsequently isolate the water in pipes in that area from other neighborhoods to prevent further spread of illness. They also said that healthcare workers did nothing to try to identify locations, food consumed, water sources, or any other common characteristics between the patients, in order to investigate the roots of the illness.

Authorities still have not communicated publicly the root cause of the epidemic, or the steps they are taking to ensure that such a crisis does not reoccur.

Based on those considerations, we would appreciate receiving your responses to the following questions:

- I. Budgeting and allocation in the water and agricultural sector:

1. Can you share with us information on the budget allocations for the ministries that work in the water sector, with regards to funds allocated for new water installations and projects and upkeep of existing infrastructure, for the years 2017, 2018, and 2019? We would appreciate this information for all relevant authorities including the Ministry of Water Resources, Ministry of Municipalities and Public Works' water and sewage departments, Ministry of Health and Environment, and the Ministry of Agriculture. Please include the percentage that the values represent within the total national budget.
2. Can you share with us information on the government's annual domestic and nondomestic water allocations by governorate in southern Iraq for the years 2017, 2018, and 2019?
3. Can you elaborate on how that allocation is decided, and what mechanisms are in place to prevent some areas from taking more than their allocated amount of water?
4. Can you share with us information on the annual allocation of land for agricultural purposes by governorate in southern Iraq for the years 2017, 2018, and 2019, and the process by which authorities allocate certain crop amounts to certain areas and farmers?
5. Can you elaborate on how that allocation is decided?

II. The environmental sector:

1. Can you share with us information regarding any private individuals, companies, government officials, or other entities, who authorities have fined or otherwise sanctioned for the illegal polluting, including with human, animal, agricultural, or industrial waste, of any of the waterways in Basra since 2017? Please include any details you can share on the types of infractions, and the sanctions imposed.

III. The health sector:

1. Can you share the specific regulations in place that cover the oversight of public and private water treatment plants' treatment process, including Reverse Osmosis (RO) plants:
 - a) How much chlorine are public plants required to add to water during treatment? How much chlorine are private plants required to add to water during treatment?
 - b) Are either public or private plants required to add any other chemicals during treatment?

- c) How often do staff at the plants take and test water samples pre and post treatment? What tests are they obliged to run?
 - d) How often do authorities take their own samples for testing? What tests are they obliged to run?
 - e) Are there any differences in requirements between private and public water treatment plants?
 - f) What are the minimum equipment types that all state water testing laboratories must have?
2. If government tests of water samples taken from public or private water treatment plants identify contaminants in the water from specific waterways or plants, what steps do authorities take in the immediate and longer term to ensure polluted water is not circulated, that measures are taken to properly treat the water, identify the cause of the contaminant and penalize the polluter, if relevant, and that the public is informed of any risk?
 3. Can you share the specific regulations in place that cover the oversight of water trucking? Please describe the water testing regime that is in place. How often is testing undertaken, who is responsible for testing, and what type of tests are done?
 4. If tests of water samples identify contaminants in the water from specific trucks, what steps do authorities take to ensure polluted water is not circulated, that vendors not complying with regulations are penalized, and that the public is informed of any risk?
 5. During the Basra water crisis in 2018, what steps did authorities take to investigate the root causes of patients' illness beyond stool sampling to rule out cholera? Please include the findings of any such investigations.
 6. During the Basra water crisis in 2018, did authorities take any steps to conduct a mapping to identify whether certain neighborhoods were more affected, and then isolate the water in the pipes in those neighborhoods from others, so as to prevent the further spread of illness? If so, can you share details with us of the process and steps taken?

IV. The work of the Iraqi Commission of Integrity and other anti-corruption instruments:

1. Authorities in Basra informed us that on November 21, 2018, the Minister of Municipalities and Public Works referred the former head of the project, [REDACTED], to the Iraqi Commission of Integrity on corruption allegations. Could you confirm whether this is correct and share any information on what the

- allegations were? If the investigation is ongoing, when is it expected to be concluded? If it has concluded, what was the outcome of the investigation?
2. Have authorities, including the Iraqi Commission of Integrity, opened investigations into any other individuals based on allegations of corruption linked to the Great Basra Water Project?
 3. Have authorities, including the Iraqi Commission of Integrity, opened investigations into any other private individuals, companies, government officials, or other entities for alleged corruption linked to misuse of water management or illegal tapping of water resources in Basra governorate since 2017? If so please share any details that you can regarding the allegations and the investigations.

V. Further queries:

1. Can you share with us an update on the ongoing projects in Basra to address its water quality and quantity challenges, including the timeframe of the completion of each?
2. In particular, can you share with us a timeframe on the completion of the Great Basra Water Project, as well as an explanation of why the project has been delayed for almost a decade?

Please direct your response and any questions to my colleague Senior Iraq Researcher Belkis Wille via email or phone at [REDACTED] or [REDACTED].

Thank you for your attention to our requests.

Sincerely,

Lama Fakih
Deputy Director
Middle East and North Africa
Human Rights Watch

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Appendix II: Letter to Mr. Shinichi Kitaoka from Human Rights Watch

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April 18, 2019

Shinichi Kitaoka
President

Japan International Cooperation Agency
1-6th floor, Nibancho Center Building,
5-25 Niban-cho, Chiyoda-ku,
Tokyo 102-8012, Japan

Re: Great Basra Water Project in Basra, Iraq

Dear Mr. Kitaoka,

We write to request information in connection with research that Human Rights Watch has carried out on the Great Basra Water Project (also known as the Hartha or Japanese project) in Iraq. This research is part of a broader report on the human rights implications of the water crisis in Basra, which we plan to publish in mid-2019.

We are writing to obtain your response to several questions, set out below. In the interests of thorough and objective reporting, we would appreciate it if you could provide us with a reply by May 15, 2019 so that we can reflect your views and comments in our forthcoming report.

Human Rights Watch is an independent nongovernmental organization that monitors and reports on human rights in more than 90 countries around the world.

Our research indicates that since Basra's first serious water crisis in 2009, the Iraqi government has embarked on initiatives to improve the governorate's water supply, but that these have been marred by Iraqi

government mismanagement, lack of long-term budgeting, and possibly corruption. At the same time, officials, water quality experts and healthcare professionals with whom we spoke allege that the government has failed to implement regulations around public water treatment, the private water sector including private plants and water trucking, sewage treatment and the safe disposal of industrial and agricultural waste. Numerous interviewees claim that local authorities have allowed individuals working in industry or agriculture to illegally tap into fresh water sources to syphon off water and made corruption allegations against local water authorities as well as local businesses regarding some of Basra's water installations, including the Great Basra Water Project. As a result, both the quality and quantity of water in Basra has suffered.

Authorities familiar with the project told us that while the Japan Bank for International Cooperation (JBIC) signed a loan agreement with the government of Iraq for YEN 62,384 million (US\$558 million) on June 11, 2008, construction work only began in 2012. One official said he visited the site in 2015 and saw barely any signs of progress. He said he was so concerned about misuse of the loaned money that he tried to push for a committee to investigate the site and its delays but said that the committee determined that there had not been any significant delays or corruption and that the plant would be open in 2016. It has yet to be completed.

Two government officials and one water expert told Human Rights Watch that the team leading the project had purposefully created delays to try to increase the length of contracts with local contractors. Two international experts said another reason why the project ground to a halt is because Japanese authorities refused to pay bribes to customs authorities to let the necessary construction parts, and for visas for visiting experts. In addition, one Basra official said the project managers wanted delays in order to increase the length of salaries for workers.

Basra authorities informed us that the Minister of Municipalities and Public Works referred the former head of the project, [REDACTED], to the Iraqi Commission of Integrity on corruption allegations on November 21, 2018.

Based on those considerations, we would appreciate receiving your responses to the following questions:

1. Please describe the current stage of the Great Basra Water Project.
2. How much of the total funds for the project has JICA already dispersed?
3. What was the project budget at its inception? What is the current estimate for what the total cost of the project will be?
4. At project inception, what was the anticipated timeframe needed to complete the project? What is the current anticipated completion date?
5. Based on your assessment of the water needs of the Basra population, could you please describe the impact completion delays have had on residents there?
6. What have been the main causes of the delays in completing the project? Please comment on any challenges in getting needed construction parts through customs, obtaining visas for experts, and monitoring compliance of local contracting parties when hiring local labor?
7. To what extent do you believe corruption by the Iraqi teams involved in the project's completion or local officials has contributed to these challenges and the project's costs? Have you faced any other corruption-related concerns during the construction process?
8. At any point since project inception have you shared concerns regarding corruption impacting the project with Iraqi authorities? Have you had any concerns regarding [REDACTED] [the former head of the project's] possible role in corruption? Please summarize these concerns and correspondence if so.
9. What is your role, if any, in the Iraqi Commission of Integrity investigation of [REDACTED] [the former head of the project]?
10. Kindly share with us your anti-corruption policy and any measures you have put in place with regards to this project to ensure transparent and accountable use of funds.

Please direct your response and any questions to my colleague Senior Iraq Researcher Belkis Wille via email or phone at [REDACTED] or [REDACTED].

Thank you for responding to our requests.

Sincerely,

Kanae Doi
Japan Director
Human Rights Watch

Lama Fakhri
Deputy Director
Middle East and North Africa
Human Rights Watch

Appendix III: Letter to Human Rights Watch from JICA on May 24, 2019

1. Please describe the current stage of the Great Basra Water Project.
 - JICA understands the construction works are on-going and Iraq's Ministry of Municipalities and Public Works (MMPW) expects to start providing water as soon as possible.
2. How much of the total funds for the project has JICA already dispersed?
 - JICA, as a financier, cannot disclose exact disbursed amount of a loan without the consent of the borrower.
3. What was the project budget at its inception? What is the current estimate for the total cost of the project will be?
 - The initial total project cost was 72,944 mil JPY and the current estimate is 97,670 mil JPY. This figure may change due to the result of some procurement procedures.
4. At project inception, what was the anticipated timeframe needed to complete the project? What is the current anticipated completion date?
 - At the inception, the target of completion was set as November, 2014.
 - JICA understands that various backgrounds such as deterioration of security situation, scope change and rebidding resulted in the delay of the above planned schedule. Currently, MMPW expect to start providing water as soon as possible.
5. Based on your assessment of the water needs of the Basra population, could you please describe the impact completion delays have had on residents there?
 - JICA has been deeply concerned about the water situation in Basra and strongly expects water to be distributed to the residents in an expeditious manner.
6. What have been the main causes of the delays in completing the project? Please comment on any challenges in getting needed construction parts through customs, obtaining visas for experts, and monitoring compliance of local contracting parties when hiring local labor?
 - As far as JICA understands, there are several causes for delay such as deterioration of security situation, scope change and rebidding.
7. To what extent do you believe corruption by the Iraqi teams involved in the project's completion or local officials has contributed to these challenges and the project's costs? Have you faced any other corruption related concerns during the construction process?

- It is JICA's policy to require that concerned parties under Japanese ODA observe the highest standard of ethics during the procurement and execution of works and JICA requests the parties involved in this project to adhere to JICA's compliance requirements. So far, JICA has not acknowledged any information regarding alleged fraud and corruption in this project.
8. At any point since project inception have you shared concerns regarding corruption impacting the project with Iraqi authorities? Have you had any concerns regarding [REDACTED] possible role in corruption? Please summarize these concerns and correspondence if so.
- JICA has requested the parties involved in this project to adhere to JICA's compliance requirements from the inception of this project. So far JICA has not acknowledged any information regarding alleged fraud and corruption for this project.
9. What is your role, if any, in the Iraqi Commission of Integrity investigation of [REDACTED]?
- JICA has no relation to the Iraqi Commission of Integrity investigation
10. Kindly share with us your anti-corruption policy and any measures you have put in place with regards to this project to ensure transparent and accountable use of funds.
- Please visit the following website regarding JICA's compliance and anti-corruption policy and guidelines, which has also applied to this project:
https://www.jica.go.jp/english/our_work/compliance/index.html
 - In addition, JICA requests all the concerned parties including this project to comply with JICA's Guidelines for the Employment of Consultant, Guidelines for Procurement under Japanese ODA Loans and The General Terms and Condition for Japanese ODA Loans for transparent and accountable usage of our funds.
(Please see the section 1.06 of the Guideline as follows)
https://www.jica.go.jp/english/our_work/types_of_assistance/oda_loans/oda_op_info/guide/handbooks/201204.html
(Also see the section 4.03 of the General Terms and Condition for Japanese ODA Loan indicated below)
https://www.jica.go.jp/english/our_work/types_of_assistance/oda_loans/oda_op_info/general_terms/index.html